

REMARKS

Claims 1-15 are presently pending in this application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

Claims 1 and 15 stand rejected to because of informalities. Applicant has made the suggested changes and requests the Examiner to reconsider his rejection of these claims.

REJECTION UNDER 35 U.S.C. §102 AND §103

Claims 1-9, 12, 13 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Adachi (USPN 6876611). Claims 10 and 11 are rejected under §102(b) as being anticipated by Miyashita, et al. (USPN 5959747).

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Adachi (USPN 6876611) in view of Applicant Admitted Prior Art.

These rejections are respectfully traversed in view of the amendments herein.

The Adachi reference now being primarily relied upon by the Examiner relates to an optical recording method and device that determines optimum recording conditions based on recording test patterns on first and second adjacent tracks. The Miyashita reference describes writing test data onto a disk adjacent to the tracks where new data is to be recorded. The test data are used to determine erasing power needed.

The applicants' optical disk recording method and system is designed to establish the overwriting recording condition needed to overwrite new data upon old, previously

recorded data. The applicants' method and system differs from these cited references in the manner by which the overwriting recording conditions are established.

In applicants' method and system the disk recording system has storing hardware (e.g., elements 25 and 23 of Fig. 6) that stores a reference datum indicative of a reference recording condition of a rewritable optical disk. According to applicants' method, the decision on establishing the overwriting recording condition is based on a comparison of observed recording condition of the old (previously recorded) data with the reference datum.

Applicants have disclosed several embodiments that illustrate the use of this stored reference datum. Figure 11 Step S15 and the corresponding description in the specification (e.g., page 31) describe one embodiment where the reference indicia is CT0 (corresponding to a crosstalk amount). Figure 15 Step S36 and the corresponding description in the specification (e.g., page 41) describe another embodiment where the reference indicia is P0 (corresponding to a peak-to-peak value).

In applicants' preferred embodiments these reference data are read from the storing portion 25 of the disk recording system, in the case of CT0 (page 30, ln 14), and in the detecting circuit 23 of the disk recording system, in the case of P0 (page 41, ln 3).

In order to more fully distinguish applicants' method and system from the cited references, the independent claims have been amended to recite applicants' storing hardware that stores a reference datum, and further amended to recite that the deciding of the overwriting recording condition is based on a comparison of the recording condition of the old data with the reference datum. It is respectfully submitted that the cited art does not

perform such a comparison between recording conditions of old data and a stored reference datum. Thus it is respectfully submitted that the claims are allowable over the art of record. The Examiner will note that applicants have amended claims 3, 7 and 10 so that they are now dependent upon amended claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2552-000063/US from which the undersigned is authorized to draw.

Dated: January 25, 2010

Respectfully submitted,

By_/Gregory A. Stobbs/_____
Gregory A. Stobbs
Registration No.: 28764
HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1214
Attorney for Applicant

15124727.1